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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,467	09/04/2001	Harold F. Hynes		3259

7590 07/29/2004  
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EXAMINER


PASS, NATALIE

ART UNIT PAPER NUMBER

3626

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/945,467	<b>Applicant(s)</b> HYNES, HAROLD F.	
	<b>Examiner</b> Natalie A. Pass.	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This communication is in response to the amendment filed 28 April 2004. Claims 17-29 have been cancelled. Claim 31 has been newly added. Claim 31 remains pending. The Specification considered is that originally filed on 4 September 2001, as no substitute specification has been provided that is in proper form for entry.

### ***Specification***

2. The cancellation of claims 17-29 is and the introduction of newly added claim 31 is objected to because of the following informalities: Amendments to a claim must be made by rewriting such claim with all changes (e.g, additions, deletions, modifications) included. A claim may also be canceled by an instruction. A parenthetical expression should follow the claim number indicating the status of the claim as amended or newly added (e.g., "amended," "twice amended," or "new ") See 37 CFR 1.121. In the instant case Applicant instructs that claim 31 is "to replace pending claims 17-29" but does not specifically say that claims 17-29 are cancelled, and does not identify claim 31 with a parenthetical expression indicating the status of the claim. Appropriate correction is required. For the purpose of examining the amended claims, Examiner assumes claims 17-29 are cancelled.

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3. The amendment filed 28 April 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. "New matter" constitutes any material which meets the following criteria:

a) It is added to the disclosure (either the specification, the claims, or the drawings) after the filing date of the application, and

b) It contains new information which is neither included nor implied in the original version of the disclosure. This includes the addition of physical properties, new uses, etc. A partial listing of the added material which is not supported by the original disclosure is as follows:

- "resource servers" as disclosed in claim 31, line 18;
- "shadow PC's VPS servers and work stations" as disclosed in claim 31, lines 24-25;
- "PTA data bank setting up order by number, vendor, data due and follow up with recall availability" as disclosed in claim 31, lines 59-60;
- "PTA transmitting amount of order, order and invoice numbers, date order received and date payment due, to VPS" as disclosed in claim 31, lines 106-107;
- "VPS Emailing monthly statements to vendors showing payments, identified with order and invoice numbers, with amounts" as disclosed in claim 31, lines 128-129.

It does not appear to the Examiner that there is support for this and other claim language in the originally filed specification. In particular, Applicant does not point to, nor was the Examiner able to find, any support for this newly added language within the specification as

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originally filed on 4 September 2001. The applicant is encouraged to review the claim language to find other instances of unsupported language in the claim. As such, Applicant is respectfully requested to clarify the above issues and to specifically point out support for the newly added limitations in the originally filed specification and claims.

Applicant is required to cancel the new matter in the reply to this Office Action.

4. If Applicant continues to prosecute the application, revision of the specification and claims to present the application in proper form is required. While an application can, be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed on 4 September 2001.

5. The objection to the abstract of the disclosure because of excessive length is hereby withdrawn due to the amendment filed 28 April 2004.

6. The objection to the amendment filed 28 April 2004 under 35 U.S.C. 132 because it introduced new matter is hereby withdrawn due to the amendment filed 28 April 2004.

7. The disclosure is objected to for the same reasons given in the prior Office Action (paper number 5, section 3, page 5) because of the following informalities: drawings may not be included in the specification. When there are drawings, there shall be a brief description of the several views of the drawings and the detailed description of the invention shall refer to the different views by specifying the numbers of the figures and to the different parts by use of reference letters or numerals (preferably the latter). Appropriate correction is required.

***Claim Objections***

8. Claim 31 is objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

9. The objection to claim 21 because of informalities is now moot and has been withdrawn due to the amendment filed 28 April 2004, since this claim has been canceled.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Newly added claim 31 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

(A) Independent claim 31 recites limitations that are new matter, as discussed above, and is therefore rejected.

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12. The rejection of claim 29 under 35 U.S.C. 112, first paragraph, for containing new matter is hereby withdrawn due to the amendment filed 28 April 2004.

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Newly added claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) Newly added claim 31 is narrative in form and replete with indefinite and functional or operational language. This makes it difficult to determine the exact scope of the claims. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. With respect to proper format of claims, attention is directed to the format of the claims in the enclosed patents.

(B) Regarding claim 31, the words "such available software applications as, Supply Chain, Enterprise Resource Planning, Business Process Management, Database Management/Warehouse, Document Management, Finance/Performance Management. Asset Management, and other software applications" renders the claim indefinite because it is unclear whether the limitation(s) inclusive of and following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

(C) Newly added claim 31 recites the limitations " the selected One Page document " and " the user " and "the order" "the forms" "the purchasing action" on lines 1-22.

There is insufficient antecedent basis for these limitations in the claims. Other limitations, which are not listed, also contain language that results in insufficient antecedent basis. The applicant is encouraged to review the claim language to find other instances of lack of antecedent basis in the claim.

Barnard et al, U.S. Patent Number 6, 684, 191

*Claim Rejections - 35 USC § 103*

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al, U.S. Patent Number 5, 758, 327, and Doyle et al, U.S. Patent Number 5, 694, 551, and further in view of Walsh et al, U.S. Patent Number 6, 144, 848.

(A) As per claim 31, Gardner teaches a system for the procurement of goods and services including a requester identifying one or more items to be ordered, a requisition folder



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that is formed in software to contain a number of requisitions, also contained in the requisition folder are any required attachments, and tracking the progress of the requisition and purchasing process, and electronically transmitting each purchase order to a vendor, including initiating an electronic payment process sequence for each purchase order (reads on Purchase Tracking and Action System, working through (PTA) servers or work stations within the said computer network, vendors payment computer system and requirer using purchasing resources to identify items needed) (Gardner; see at least Abstract, Figure 1, Figure 2, Figure 3, column 2, line 57 to column 4, line 27, column 8, line 51 to column 12, line 25).

Gardner also teaches electronically signed receipt, acknowledging receipt by electronic signature, purchaser's bank emailing VPS, security and audit control, VPS to provide necessary information to conduct security and audit examinations (Gardner; column 3, lines 32-46, column 7, lines 31-42, column 8, lines 48-64).

Gardner fails to explicitly disclose requirer using purchasing resources to select products and vendor, matching needs against organization's criteria for purchasing, and requirer choosing type of ordering system to be used.

However, the above features are well-known in the art, as evidenced by Doyle.

In particular, Doyle teaches a processing unit for selecting vendors, data processing network capable of handling the data processing requirements for customer orders, a user at a customer workstation selects a function operation (reads on requirer using purchasing resources to select products and vendor, matching needs against organization's criteria for purchasing, and requirer choosing type of ordering system to be used) (Doyle; see at least Figure 4, Figure 13, column 3, line 59 to column 5, line 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Doyle to include requirer using purchasing resources to select products and vendor, matching needs against organization's criteria for purchasing, and requirer choosing type of ordering system to be used, as taught by Doyle, with the motivations of filling a long felt need for a data processing network to efficiently handle all aspects of customer orders and providing a data processing network capable of handling the data processing requirements for customer orders, routing those orders to appropriate departments or vendors, delivery of the ordered products, invoicing and payments, customer assistance and report generation (Doyle; column 2, lines 7-20).

Doyle also teaches the customer enters a completed requisition order, confirmed invoices are extracted from the invoice file and forwarded as a vendor invoice file for payment of the vendor (reads on requirer having means to prepare order in full, means to arrange payment schedule with vendor, means to send order directly to the vendor) (Doyle; see at least Abstract, column 5, line 49 to column 6, line 4, column 8, lines 16-27).

Doyle also teaches PTA data bank setting up order, requirer having means of completing order in full, purchasing department having means entering purchase documentation into the PTA system, entering purchases under contract with vendor into the computer network and data bank, clicking designated space on order form, change form to be directed to order requirer (Doyle; see at least Abstract, column 2, lines 38 to column 4, line 45, column 5, line 49 to column 6, line 4, column 8, lines 16-27).

Doyle also teaches PTA updating its files, vendor acknowledging acceptance of order, PTA notifying receiver, vendor attaching label to item package for shipment, verifying receipt of

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items, PTA transmitting amount of order, adding the amount of this order, PTA to accumulate vendor payments due, PTA electronically providing information to purchaser's bank, VPS controlling the flow of cash, PTA to place these purchasing actions in memory banks and storage, VPS making necessary accounting entries, VPS reporting to PTA, PTA and VPS to provide management and operations with necessary reports, VPS Emailing monthly statement (Doyle; see at least column 2, lines 50 to column 3, line 40, column 3, line 47 to column 6, line 59, column 7, line 19 to column 8, line 45).

Doyle and Gardner fail to explicitly disclose using a hand held computer to recognize the order.

However, the above features are well-known in the art, as evidenced by Walsh.

In particular, Walsh teaches using a hand held computer to recognize the order (Walsh; column 3, lines 40-58, column 9, line 48 to column 10, lines 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Doyle and Gardner to include using a hand held computer to recognize the order, as taught by Doyle, with the motivations of providing a an ordering system for telecommerce that would offer error-free, secure, optionally-encrypted communications (Walsh; column 3, lines 4-15).

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*Response to Arguments*

17. Applicant's arguments filed 28 April 2004 have been fully considered but they are moot in view of the new grounds of rejection.

*Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references, Arnold et al, U.S. Patent 5, 987, 423, Barnard et al, U.S. Patent 6, 684, 991, and King, Jr. et al., U.S. Patent 5, 319, 542 teach the environment of electronic commerce systems for procurement of goods and services.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. **Any response to this final action should be mailed to:**

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**Box AF**

Commissioner of Patents and Trademarks

Washington D.C. 20231

**or faxed to:**

(703) 305-7687.

For formal communications, please mark  
"EXPEDITED PROCEDURE".

For informal or draft communications, please  
label "PROPOSED" or "DRAFT" on the front page of  
the communication and do NOT sign the  
communication.

Hand-delivered responses should be brought to Crystal Park  
5, 2451 Crystal Drive, Arlington, VA, Seventh Floor  
(Receptionist).


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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

  
Natalie A. Pass

July 15, 2004

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600